

Consolidated Clause in Policy and Finance Committee Report 7, which was considered by City Council on September 28, 29, 30 and October 1, 2004.

34**Simplified Procedures for Advisory Bodies**

City Council on September 28, 29, 30 and October 1, 2004, adopted this Clause without amendment.

The Policy and Finance Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (September 14, 2004) from the City Clerk subject to the training program for the Chairs of Advisory bodies taking place by December, 2004:

Purpose:

To respond to Council's direction to report on simplified procedures for roundables and advisory bodies in which citizens form the majority membership.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council adopt the rules of procedure contained in Appendix 1 for advisory bodies established by Council where the membership is made up of more than 50 percent of community members;
- (2) the City Clerk establish a training program for advisory body members by June 2005 to educate members about rules of procedure and effective meeting practices;
- (3) the City Clerk, in consultation with the Chief Administrative Officer, Chairs and members of advisory bodies, review the effectiveness of these rules of procedure and report back to City Council, through the Policy and Finance Committee, after one year; and
- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

In January 2004, City Council considered Clause 3 of Report 1 of the Policy and Finance Committee, headed “Sub-Committees, Advisory Committees, Roundtables and Other Bodies”, and approved, in principle, the establishment of several roundtables and advisory bodies.

Council also requested the Chief Administrative Officer, in consultation with the City Clerk, to report back on simplified procedures for roundtables and advisory bodies in which citizens form the majority membership.

Accordingly, the City Clerk submitted a report dated June 22, 2004 headed “Simplified Procedures for Advisory Bodies” to the Policy and Finance Committee. On July 8, 2004, the Policy and Finance Committee, after hearing from deputants, deferred consideration of the report and requested the City Clerk to:

- (1) hold an information session for all advisory bodies pertaining to this matter and submit a report, with changes as appropriate, to the Policy and Finance Committee within 60 days; and
- (2) meet with deputants appearing at the July 8, 2004 meeting of the Policy and Finance Committee pertaining to this matter and report to the aforementioned meeting of the Policy and Finance Committee with any appropriate amendments.

Comments:

Staff from the City Clerk’s Office and the Chief Administrator’s Office met with the deputants on August 4, 2004. Two information sessions on the proposed simplified procedures were held in the evening on Wednesday and Thursday, September 8 and 9, 2004. Invitations to the information sessions were sent to 437 community members of advisory bodies in which citizens form the majority of the membership, Members of Council and City staff assigned to these advisory bodies. A list of more than 40 advisory bodies that meet the criteria of having membership of more than 50 percent community members is attached as Appendix 2.

Thirty community members and some City staff attended the information sessions.

The information sessions provided valuable information to staff through community member comments and suggestions for the simplified procedures. There was general agreement on the need for procedural rules to guide advisory body meetings. However, the participants recognized that it would be a challenge to establish simplified rules that address the varied number and nature of the advisory bodies, but this was a good first step.

The various comments received can be grouped into some major issue areas that have been reflected in the revised proposed procedures found in Appendix 1 (the “Revised Procedures”).

Purpose and Principles for Advisory Bodies and Meeting Procedures:

It was suggested that the principles underpinning the procedures and discussed in the June 22 staff report from the City Clerk should be included in the procedures. Also there was comment that the procedures should include a statement recognizing the importance of advisory bodies to City Council and the valuable role community members play. The simplified revised procedures now include a purpose and interpretation section to reflect a principled approach to meeting procedures and the importance of advisory bodies.

Advisory Body Terms of Reference vs. Simplified Revised Procedures:

It was recognized that there may be circumstances where the Council-approved terms of reference for advisory bodies may be more specific than the simplified procedures. In situations where specific procedures or meeting rules (e.g., selection of Chair, meeting schedule) are set out in terms of reference for an advisory body, they should take precedent over the simplified revised procedures, which are intended to be general guidelines. The proposed simplified revised procedures provide that in the case of a conflict between the revised procedures and the terms of reference, the terms of reference govern.

Agenda Management:

There was a majority view of participating community members that while the Chair of an advisory body does have responsibility for setting the meeting agenda and leading the meeting, there should be an opportunity to accommodate members who wish to consider additional business properly within an advisory body's mandate. The revised procedures continue to allow the Chair to set the agenda, but indicate that the Chair will accommodate member requests for the inclusion of agenda items whenever possible. This issue of agenda management will be monitored during the implementation of these procedures to determine if the rules are meeting the needs of the advisory bodies.

Making Decisions by Consensus vs. Voting:

There was some discussion during the information sessions that advisory bodies could act through consensus on issues and proposals instead of following proper voting procedures, given the less formal nature of these bodies. The simplified revised procedures allow for action both through unanimous consent or voting depending on the circumstances, proposals before the body and level of support for them.

Training and Education for Advisory Bodies:

During the information sessions, it was noted that some advisory body members are inexperienced in participating in meetings. They welcomed the opportunity to meet other advisory body members during these information sessions and share experiences and ideas. Participants expressed considerable interest in attending training sessions addressing various matters such as their role and responsibilities (e.g., conflicts of interest), how to participate effectively in meetings, how to responsibly chair meetings, and preparing meeting minutes.

The City Clerk's Office will be planning and delivering training and education sessions in 2005 explaining rules of procedures and common meeting practices. These sessions will be targeted to Chairs and members of advisory bodies and would address a range of matters including setting agendas, chairing meetings, identifying and addressing declarations of interest, circumstances for private meetings, the role of the public and deputations, and preparing meeting minutes. Staff will develop templates and guides to assist the advisory bodies with their meetings. This work will be accommodated within approved resources.

Advisory Body Request for Information and Work from City Staff:

Attendees at the information sessions asked about the role of program staff and if the advisory bodies could direct staff to undertake work. It is appropriate for the role of program staff to be outlined in each advisory body's terms of reference. Program staff are expected to provide policy and background information on advisory body issues and to act as a resource to the advisory body when it prepares its advice for Council. Advisory bodies should take care not to direct staff to undertake work that is more properly requested by City Council. For example, advisory bodies may not direct staff to prepare formal policy reports and recommendations for submission directly to standing committees or Council. For tasks requiring the commitment of new or significant staff time and resources, the chair, or in some cases the staff, should seek direction from City Council before proceeding.

In addition to these significant matters raised during the information sessions, there were numerous other suggestions for wording changes to clarify definitions, procedural intent, and the uniqueness of certain advisory bodies (e.g., preservation panels and historical board relationship). The revised procedures have incorporated many of these changes and is reorganized to follow a more logical order.

Some issues raised during the information sessions cannot be addressed alone by the City Clerk's Office. They are listed here for Council's information to reflect the view expressed by the session participants.

- (i) the need for City Council to listen to the voices of its community members and value their advice as advisory bodies;
- (ii) the need for adequate resources to be provided to advisory bodies for secretarial and other support (where not provided by City staff support) and meeting refreshments; and
- (iii) the need to clarify the role and conduct of Members of Council who are members of advisory bodies (i.e., are Members of Council serving as resources, supporters, advocates, leaders, listeners).

It is proposed that an evaluation of the rules of procedure to evaluate the usefulness and areas for improvement be undertaken during the first year of implementation. As part of this review, the City Clerk's Office will be requesting feedback from the advisory bodies and their members on the effectiveness of these revised procedures and possible improvements. A report will be submitted to Council through the Policy and Finance Committee outlining the results of the evaluation and recommending appropriate amendments.

Conclusions:

As requested by Council, this report presents simplified revised procedures for advisory bodies in which citizens form the majority membership. As further requested by the Policy and Finance Committee, City Clerk's Office staff and Chief Administrator's Office staff have met with the deputants who appeared before the Committee and held two information sessions on the proposed rules of procedure. Based on the feedback received, appropriate changes have been made to the revised procedures.

Valuable comments and suggestions were received from community members through the information sessions. The revised procedures incorporate many of the suggestions discussed at the information sessions. All the issues raised will be considered when developing the proposed training and education sessions for advisory bodies.

Staff members of the Chief Administrator's Office and Legal Services were consulted during the preparation of this report.

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Attachments:

Appendix 1: Rules of Procedure for Advisory Bodies

Appendix 2: City of Toronto Committees with more than 50 percent Community Members

Appendix 1

Rules of Procedure for Advisory Bodies

The Rules of Procedure apply to all advisory bodies established by Council in which members of the community form the majority of the membership.

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Rules of Procedure for Advisory Bodies

GENERAL

(1) Purpose of meetings and rules:

- (i) City Council values the important role community members play helping to govern the City. These rules of procedure are to be used to ensure advisory bodies can act as effectively and efficiently as possible to assist and advise City Council.
- (ii) Members are to meet to collect information, discuss issues and make recommendations, to the appropriate standing committees or other body, on how issues may be resolved or addressed in accordance with the advisory body's terms of reference.
- (iii) The rules of procedure provide a framework to aid discussion and provide focus.

(2) Definitions:

In the Rules of Procedure the following terms have the meaning indicated:

advisory body - any committee, advisory body or roundtable established by Council to provide advice on a specific area of interest where more than 50 per cent of the members are community members instead of members of Council or other elected officials

Chair - the person presiding at a meeting

City - the City of Toronto

community member – a member of an advisory body who is not an elected official, but a member of the community appointed to an advisory body by City Council

Council - the Council of the City of Toronto

deputation - an oral submission made by a member of the public to an advisory body, at a meeting of the advisory body

meeting - a meeting of an advisory body

member - a member of an advisory body (including a member of Council who has been appointed to the advisory body)

motion - a formal proposal put forward by a member for consideration by an advisory body, for example, by stating "I move that.....", which may then be voted on or approved by unanimous consent

motion to postpone - a motion to postpone consideration of an item:

- (a) indefinitely; or
- (b) until a certain time or the happening of a specified event

motion to receive - a motion to acknowledge a particular item for information with no additional action being taken

motion to refer - a motion made to request more information from another body or from staff

quorum - the minimum number of members required to be present at a meeting in order to conduct business

rule or rule of procedure - a rule set out in this document

Secretary - the person who records the minutes of meetings, distributes the agenda and material, keeps the records of the advisory body and may provide procedural advice

terms of reference – the terms of reference for the advisory body as approved by Council

unanimous consent - when the advisory body agrees to take an action without a formal vote

(3) Interpretation principles:

The rules of procedure are to be interpreted in a manner that promotes the following fundamental principles:

- (a) the protection of basic rights by recognising the right of the majority to decide, the minority to be heard, and individuals to have the opportunity to participate;
- (b) the maintenance of decorum, with all participants being treated with courtesy and respect; and
- (c) in the event of conflict, facilitating a reasonable compromise.

(4) Conflict with terms of reference:

In any case of conflict between the rules of procedure and an advisory body's terms of reference as adopted by City Council, the terms of reference govern.

(5) Application of rules of procedure:

- (1) The rules of procedure are to be observed in all meetings of an advisory body, unless the advisory body's terms of reference provide otherwise.
- (2) If a matter is not provided for in the rules, the matter will be decided by the Chair, in accordance with Chapter 27, Council Procedures, of the City of Toronto Municipal Code, with necessary modifications.

(6) Advisory Body to report to standing committee:

- (i) Any advisory body advice or recommendations that require implementation, reports, or other action by staff must first be considered by the appropriate standing committee and, when necessary, approved by Council.
- (ii) Despite subsection 6(1), the community preservation panels will report to the Toronto Preservation Board.
- (iii) Where the Chair is a member of Council, he or she may, at any time, report to the appropriate standing committee on relevant advisory body matters.

(7) Absence of community member:

If a community member misses three consecutive meetings, the advisory body may request the relevant standing committee to make a recommendation to Council on whether the community member's seat should be declared vacant and filled.

CHAIR AND SECRETARY

(8) Appointment of Chair, Vice-Chair, and Co-Chairs:

If the advisory body's terms of reference do not provide for the appointment of a chair or vice-chair, the advisory body will elect a chair and a vice-chair, or co-chairs, at its first meeting.

(9) Vice-Chair:

A Vice-Chair of an advisory body has all the powers and performs all the duties of the chair of the advisory body in the Chair's absence.

(10) Duties of Chair:

- (i) The Chair will preside at all meetings of the advisory body, follow the agenda, decide on whether motions are in order, rule on all procedural matters and maintain decorum.

- (ii) The Chair will ensure motions and amendments are clearly expressed and, if there is no motion under consideration, summarise the discussion for the purpose of the minutes.

(11) Duties of Secretary:

- (i) The Secretary will give notice of each regular meeting of the advisory body together with an agenda of the matters to be considered so that the notice and agenda will reach the members at least five days, where feasible, in advance of the meeting.
- (ii) The Secretary will give notice of each special meeting of the advisory body together with an agenda of the matters to be considered so that the notice and agenda will reach the members in advance of the meeting.

MEETINGS

(12) Schedule of meetings:

An advisory body may meet at the call of the Chair or may decide to adopt a schedule of meetings, unless the terms of reference provide otherwise.

(13) Special meetings:

- (i) Special meetings of the advisory body may be called by the Chair, on 24 hours' notice, whenever he or she considers it necessary to do so.
- (ii) If a written request is made by a majority of the members to call a special meeting, it is the duty of the Chair or, in case of his or her absence, the Secretary, to summon a special meeting of the advisory body, on 24 hours' notice.

(14) Meeting closed to the public:

- (i) A member may move a motion that the advisory body meets in private if the subject to be discussed relates to:
 - (a) the security of the property of the City;
 - (b) personal matters about an identifiable individual, including City employees;
 - (c) a proposed or pending sale or purchase of land for City purposes;
 - (d) labour relations or employee relations;
 - (e) litigation or potential litigation including matters before administrative tribunals affecting the City;

- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
 - (g) a matter in respect of which the advisory body has authorized a meeting to be closed under another Act.
- (ii) When moving the motion to meet privately, the reason must be stated.
 - (iii) When the meeting resumes in public session, any motions must be moved and voted on in public.
 - (iv) Where a matter has been discussed in private, and where the matter remains confidential, members must **not** disclose the content of the matter or the substance of deliberations of the private meeting.
- (15) Minutes of meetings:

The minutes of each meeting will be submitted to the advisory body for confirmation at the next meeting, or as soon as possible.

AGENDA

- (16) Establishing the agenda:
- (i) Items to be included on an agenda for a meeting must be submitted to the Secretary by 10 business days before the meeting, whenever possible, or the Chair, in consultation with the Secretary, may establish a schedule of agenda deadline dates.
 - (ii) Members may submit items that are set out in an advisory body's terms of reference for inclusion on the agenda by giving them to the Secretary by the agenda deadline date.
 - (iii) The Chair, in consultation with the Secretary and program staff, set the agenda, based on matters submitted prior to the agenda deadline.
 - (iv) An advisory body as part of its agenda will consider only matters set out in an advisory body's terms of reference.
 - (v) The Chair will accommodate member requests for the inclusion of agenda items, whenever possible, but the Chair has the final decision about which items are included on the agenda.
 - (vi) The Secretary will provide copies of the agenda to each member (for example, by electronic mail or regular mail).

- (vii) The business of the advisory body must be considered in the order in which it is listed on the agenda, unless otherwise decided by the advisory body.
 - (viii) The advisory body may alter the order of business by a majority vote of the members present, but the advisory body cannot delete any portion of the business that has been set out on the agenda.
 - (ix) The Secretary will make the agenda available to the public after delivery of the agenda to the members.
 - (x) Confidential material will be distributed to members and selected City officials under confidential cover.
- (17) Additional agenda items:

Any communication or agenda item for an advisory body received before the meeting, but not in sufficient time to be included with the agenda, will be reviewed by the Chair and:

- (a) if the communication is considered by the Chair to pertain to a matter listed on the agenda, it may be submitted as a supplementary item for that meeting;
- (b) if the communication is considered by the Chair to not pertain to a matter listed on the agenda, it will be included on the agenda for the next subsequent meeting;
- (c) if a communication or agenda item is considered by the Chair to be urgent, the Chair may direct that it be submitted as a supplementary item at the meeting for which it was submitted; and

QUORUM

- (18) Quorum:
- (i) Unless stated in the terms of reference, a quorum of the advisory body is 50 percent of the community members.
 - (ii) Elected representatives (for example, Members of Council or School Board Trustees) will be counted to make up quorum if they are present.
 - (iii) A vacant position will not be counted to calculate quorum.
- (19) Absence of quorum:
- (i) In the event quorum is not present 15 minutes after the time appointed for a meeting, the members present may ask the Secretary to call the roll and record the names of the members present and the meeting will then stand adjourned until the next scheduled meeting, or at the call of the Chair.

- (ii) The members who are present may agree to proceed informally with the agenda and the Secretary will report to the next meeting of the advisory body on any proposals made at the informal gathering.
 - (iii) Any proposals made at the informal gathering will be submitted to the advisory body for consideration at the next regular meeting.
- (20) Loss of quorum during a meeting:
- (i) If quorum is lost during a meeting for a period of 15 minutes, members present may ask the Secretary to record the names of those members present and the meeting will stand adjourned until the next scheduled meeting, or at the call of the Chair.
 - (ii) The members present may agree to proceed informally with the agenda and the Secretary will report to the next meeting on any proposals made at the informal gathering.
 - (iii) Any proposals made at the informal gathering will be submitted for consideration at the next regular meeting.
- (21) Absence of Chair:
- (i) If neither the Chair nor the Vice-Chair has arrived 15 minutes after the time the meeting is to start and, if a quorum is present, one of the other members of the advisory body may be appointed Acting Chair.
 - (ii) The Acting Chair will preside and discharge the duties of the Chair during the meeting, or until the arrival of the Chair or Vice-Chair.

RULES OF DEBATE

(22) Conflict of interest:

A community member should disclose any financial interest in a matter under consideration at a meeting and should avoid taking part in any discussion of the matter.

(23) Deputations:

An advisory body may hear deputations from the public at its discretion and may set limits for speaking time.

(24) Order of speaking:

The Chair decides the order in which members speak or ask questions and makes sure that every member indicating a desire to speak has an opportunity to speak to an item on the agenda.

(25) Unanimous consent:

- (i) An advisory body may act by unanimous consent and a formal vote will not be necessary.
- (ii) The Chair may specify a proposed action and, if there is no objection, announce that the action is approved.
- (iii) If a member disagrees with a proposed action, sections 26 through 32, describe the formal process for debate and voting.

(26) Formal debate:

- (i) When a proposal is made, the Chair may re-state the proposal to ensure that the wording is recorded properly and everyone understands the intent.
- (ii) The proposal may then be discussed and the discussion may include possible changes to the wording by adding, deleting or replacing words.
- (iii) After the conclusion of the discussion, the Chair may frame the resulting proposal as a motion that can then be voted on.

(27) Motions to postpone or refer:

A member may also move a motion to:

- (a) postpone an item; or
- (b) refer an item, for example, to staff with a request for information, or to a working group of the advisory body with a request for comment.

(28) Motion to adjourn:

A motion to adjourn the meeting will always be in order except when:

- (a) another member is speaking;
- (b) a vote has been called;
- (c) the members are voting; or
- (d) a member has indicated to the Chair his or her desire to speak on the matter under consideration.

(29) Limits on reconsideration of matters already considered by Council and jurisdiction:

- (i) An advisory body cannot submit recommendations to a standing committee on an issue that has already been decided by Council during the previous 12 months of the current term of Council unless Council has re-opened the matter and authorized the advisory body to do so.

[Note: During its term, Council may re-open a decision made within the previous 12 months if:

- (a) a member of Council who voted on the prevailing side submits a Notice of Motion to re-open that decision; and
- (b) two-thirds of the members of Council present vote to re-open.]
- (ii) A motion relating to a matter not within the terms of reference of an advisory body is not in order.

(30) Votes:

- (i) Every member, including the Chair, has a vote, unless prohibited by law (for example, a declared conflict of interest) in which case the Secretary shall record the name of the member who does not vote and reason for not voting.
- (ii) A tie vote means a motion does not carry.
- (iii) A motion does not need to be seconded.

(31) Votes may be taken separately:

Upon the request of any member, and when the Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal may be taken separately.

(32) Order of voting:

When a vote is taken the order of the vote will be as follows, unless otherwise decided by the advisory body:

- [1] upon any motion to refer;
- [2] upon any motion to postpone;
- [3] upon a motion to receive and take no action;
- [4] upon any amendments to a motion, and then to the motion itself.

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Appendix 2

City of Toronto Committees with more than 50 percent Community Members
(known as of August 12, 2004)

Aboriginal Affairs Committee
 Access, Equity and Human Rights Roundtable
 Apartment Working Group on Waste Diversion
 Art Committee for Public Places
 Arts and Culture Roundtable
 Assembly Hall Advisory Committee
 Beautiful City Roundtable
 Bring Back the Don Task Force
 Capital Revolving Fund Reference Group
 Comite francais de la ville de Toronto
 Community Preservation Panels (Toronto and East York, Scarborough, Etobicoke York, North York)
 Compliance Audit Committee
 Cycling Committee
 Don Valley Brick Works Public Advisory Committee
 East York Community Centre Advisory Board
 Education, Children and Youth Roundtable
 Employment Equity Working Group
 Enterprise Toronto Advisory Group
 Environment Roundtable

Fashion Industry Liaison Committee
Film Liaison Industry Committee
Food and Hunger Action Committee
Food Industry Advisory Committee
Front Street Extension Design and Construction Advisory Committees
Gardiner Lake Shore Corridor Task Force
Harbourfront Parks Steering Committee
Hate Activity Elimination Working Group
Homeless and Socially Isolated Persons Advisory Committee
Homes for the Aged Advisory Committee
Immigration and Refugee Issues Working Group
Jenner Jean Marie Community Centre Advisory Committee
Language Equity and Literacy Working Group
New and Emerging Technologies, Policies and Practices Advisory Group
Public Art Commission
Seniors Roundtable
Status of Women Committee
Taxicab Advisory Committee
Toronto Best Practices Group
Toronto City Centre Airport Community Advisory Committee
Toronto International Advisory Board
Toronto Pedestrian Committee
Toronto Preservation Board
Union Station Revitalization Public Advisory Group
Works Best Practices Program Work Group

The following persons appeared before the Policy and Finance Committee:

- Rhona Swarbrick; and
- Mr. Michael Rosenberg.